

*Jaff*

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 89-230-E/G - ORDER NO. 89-820  
SEPTEMBER 7, 1989

IN RE: Investigation of Property Transfers	)	ORDER
from South Carolina Electric & Gas	)	ADDRESSING
Company to SCANA, other SCANA	)	MOTION TO
affiliates and non-affiliated entities	)	COMPEL AND
and allocation of expenses, revenues	)	MOTION FOR
and plant between SCE&G, SCANA and	)	PROTECTION
SCANA affiliates.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Motion to Compel filed by Intervenor, John P. Freeman, as to his first set of Interrogatories, dated May 18, 1989. Mr. Freeman asked for detailed information regarding certain real estate transactions between South Carolina Electric & Gas Company (SCE&G) and any SCANA subsidiary. In Request 1-C he asked:

- c. If any of the transactions identified in answer to the foregoing interrogatories involved real property, state whether as to each such transaction you or any other SCANA subsidiary sold real estate located within one mile of such real estate identified in your interrogatory answer to any person not affiliated with you or SCANA since SCANA was incorporated and state the consideration received the acreage involved and calculate the actual or intended consideration per acre for both the transaction identified in answer to 1a or 1b and the actual consideration for any transaction as to real estate located within one mile by you or another SCANA subsidiary with a person not affiliated by SCANA.

SCE&G's response to this interrogatory was "the Company does not keep its records in a format that would enable us to answer this interrogatory."

A prehearing conference was held on August 11, 1989. Attending were representatives from SCE&G, Mr. Freeman, counsel for the Consumer Advocate, counsel for the Commission Staff and several Commission Staff members. Mr. C. Dukes Scott, Deputy Executive Director and Executive Assistant to the Commissioners, presided over the hearing.

Mr. Freeman's Interrogatory appears to be designed to inquire into the market value of certain real estate transactions. It is clearly relevant to issues raised by the Commission in this proceeding. SCE&G did not object to the Interrogatory on the basis of relevance or that compiling the information will be unduly burdensome.

Although the Company does not keep its records concerning this question in a certain format, the Company can examine the documents within its control and make a reasonable inquiry of its employees to determine if they have knowledge or notice of any information that may be used to answer the interrogatory.

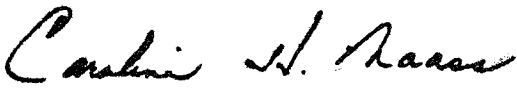
The Commission finds, therefore, that SCE&G should review its answer to Mr. Freeman's Interrogatory 1-C to insure that it has made a reasonable inquiry to determine whether there are any documents or whether any person has information that may be used to

prepare a responsive answer to the interrogatory. If so, SCE&G is ordered to amend its answer accordingly.

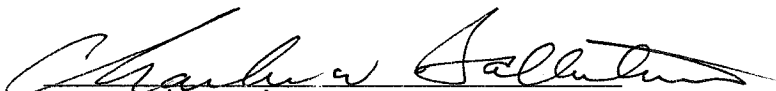
Mr. Freeman also filed a Motion for Protection concerning SCE&G'S first set of interrogatories. He asserts that the interrogatories are extremely detailed and call for legal analysis of many complex questions within a two-week time period just as law school classes which Mr. Freeman teaches are starting up for the fall. At the August 11, 1989, prehearing conference, a briefing schedule was set calling for briefs on legal issues to be served by the parties no later than October 2, 1989, with replies due on October 16, 1989. Mr. Freeman states that his legal analysis of the issues raised by this proceeding will not be completed prior to October 14, 1989. The briefing that will be filed with the Commission by Mr. Freeman and the other parties relates directly to much of the legal analysis called for in SCE&G's interrogatories, according to Mr. Freeman. Mr. Freeman requests that the Commission issue a protective order granting him until October 14, 1989, to serve his answers to SCE&G's pending interrogatories.

For the reasons set forth above, the Commission finds that Mr. Freeman's request for protection should be granted until October 16, 1989.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)